

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:17-CR-00126-RJC-DSC

USA

v.

CHARLES WHITLOCK JR.

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ORDER

THIS MATTER is before the Court on the defendant's pro se motion for the return of seized property, (Doc. No. 57), and the government's response, (Doc. No. 59).

Although the defendant abandoned all property seized during the investigation of his case, (Doc. No. 25: Plea Agreement at 3), he now seeks the return of items seized by law enforcement during the execution of a search warrant at his residence, (Doc. No. 57: Motion at 1). The government is inclined to return non-forfeited, non-contraband personal property after the time period has run for filing a motion to vacate conviction or sentence pursuant to 28 U.S.C. §2255. (Doc. No. 59: Response at 2). Accordingly, the Court finds that the instant motion is premature.

IT IS, THEREFORE, ORDERED that the defendant's motion, (Doc. No. 57), is **DENIED without prejudice** to be re-filed, if necessary, when the time period has run for filing a motion to vacate conviction or sentence pursuant to 28 U.S.C. §2255.

Signed: October 29, 2018



Robert J. Conrad, Jr.
United States District Judge

